IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE Ch.S.R.K. PRASAD

WRIT PETITION NO : 15539 of 2004

Between:

Durga Suryanarayana, S/o. Appala Narasayya, Hindu,
Resident of Main Road, Garividi, Vizianagaram District.

..... PETITIONER

AND

1 State of Andhra Pradesh, Rep by its Secretary, Home Department, Secretariat Buildings, Hyderabad.
2 The Superintendent of Police, Vizianagaram District, Vizianagaram.
3 The Circle Inspector of Police, Cheepurupalli, Vizianagaram District.
4 The Sub Inspector of Police, Garividi P.S. Vizianagaram District.
5 K. Ravi Kumar, S/o. K. Kama Raju, Hindu,
R/o. Two Room Quarters, Garividi, Vizianagaram District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction one particularly in the nature of Habeas Corpus directing the Respondents 1 to 3 to trace the whereabouts of Petitioner's daughter Sowmya and produce her before this Hon'ble Court and deliver her to petitioner's custody.

Counsel for the Petitioner: MR.K.SOMESWARA KUMAR

Counsel for the Respondent No.1 to 4: GP FOR HOME

Counsel for the Respondent No.5 Mr V.Mallik

The Court made the following:

ORDER: (PER HON'BLE SRI JUSTICE G.BIKSHAPATHY)

The Writ Petition is filed seeking Habeas Corpus, directing the respondents 1 to 3 to trace the whereabouts of petitioner's daughter Sowmya and produce her before the Court to deliver to the custody to the petitioner.

2. The petitioner is father of Sowmya and according to the averments made in the Writ Petition, the fifth respondent has taken away her daughter Sowmya from his lawful custody and she was a minor at that time. Even though the complaint was filed before the police, no effective steps were taken. Therefore, the Writ Petition has been filed for production of Sowmya.

3. A counter has been filed by the S.I. of Police, Garividi Police Station. It is stated that the fifth respondent and Sowmya are staying together and that they are married. It is also stated that the fifth respondent was working at Bhilai. On considering the counter, this Court directed the fifth respondent to be present along with Sowmya and also the petitioner.

4 . To day the petitioner, fifth respondent-K.Ravikumar and Sowmya are present before this Court and educational certificate of Sowmya shows that now she is more than 18 years and she is a major. This Court questioned her as to whether she would like to stay with the fifth respondent or with the petitioner, she stated that she is studying B.Tech second year and she would like to stay with the fifth respondent.

5. In these circumstances, we do not find any grounds to pass further orders in this regard, inasmuch as, the petitioner's daughter has been produced before this Court and that she alleged to have been married with fifth respondent and she also expressed that she would stay with the fifth respondent.

6. In view of the above, this Writ Petition is closed.

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G.BIKSHAPATHY,J

CH.S.R.K. PRASAD,J

DATED: 30-09-2004

Kvrm

To

1 State of Andhra Pradesh, Rep by its Secretary, Home Department, Secretariat Buildings, Hyderabad.
2 The Superintendent of Police, Vizianagaram District, Vizianagaram.
3 The Circle Inspector of Police, Cheepurupalli, Vizianagaram District.
4 The Sub Inspector of Police, Garividi Police Station, Vizianagaram District.
5. 2 CC copies to GP for Home, High Court Buildings, Hyderabad (OUT)

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